IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

FRIDAY, THE 1ST JUNE 2007 / 11TH JYAISHTA 1929

WP(C).No. 6835 of 2007(L)

PETITIONER:

SARAMMA ABRAHAM,
VAIPUMEPURATHU, MURANI, MALLAPPALLY.

BY ADV. SRI.K.S.VIJAYAKUMAR

RESPONDENTS:
---

1. THE ADDITIONAL DISTRICT MAGISTRATE
PATHANAMTHITTA.

2. THE KERALA STATE ELECTRICITY BOARD,
REPRESENTED BY THE SECRETARY,
VAIDHYUTI BHAVAN, THIRUVANANTHAPURAM.

3. THE ASST. EXECUTIVE ENGINEER,
ELECTRICAL SUB DIVISION (KSEB), ARANMULA.

4. K.G.KARTHIYAYANI AMMA,
SOBHANA VILASAM, MURANI, MALAPPALLY.

ADDL. RESPONDENT:

5. SARAMMA ABRAHAM, VAIPUMEPURATHU
MURANI, MALLAPPALLY.

(ADDL. RESPONDENT IS IMPLEADED AS PER ODER
DT.1.6.2007 IN I.A. 7165/2007.)

R2&3 BY ADV. SRI.JOSE J.MATHEIKEL, SC, KSEB

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 01/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

P1: TRUE COPY OF THE LAND TAX RECEIPT ISSUED FROM MALLAPPALLY VILLAGE OFFICER.

P2: TRUE COPY OF THE SKETCH SHOWING LYING OF PROPERTIES, SPANS ETC.

P3: TRUE COPY OF THE COMPLAINT FILED BY PETITIONER TO R3 DT.24.3.2006.

P4: TRUE COPY OF THE OBJECTION FILED BY PETITIOENR BEFORE R1 DT.17.7.06.

P5: TRUE COPY OF THE ORDER ISSUED BY R1 DT.15.2.2007.

RESPONDENT'S EXHIBITS:

R3(a): TRUE COPY OF ROUGH SKETCH.

TRUE COPY

P.A. TO JUDGE

C.N.RAMACHANDRAN NAIR, J.

.....

W.P.(C) No.6835 of 2007

.....

Dated this the 1st day of June, 2007.

JUDGMENT

Heard counsel for the petitioner and Standing Counsel for KSEB. The petitioner is challenging Ext.P5 order issued by the Additional District Magistrate approving drawal of electric line over her property to give connection to 4th respondent. Ext.R3(a) is the sketch produced by KSEB to describe the line proposed. On going through the sketch and the impugned order, I find petitioner has a fairly good extent of 24 cents of land. The electric line passes only through the extreme corner of the property of the petitioner and the distance covered is as low as 2.5 metres. In the first place, I do not find any serious grievance for the petitioner because the line passes over a small portion of the corner of the property which does not affect enjoyment of the property as in that corner no construction can be made beneath the line. Secondly, alternate line suggested by the petitioner cuts across the entire property shown as 'C' in the sketch which belongs to another person. In the circumstances, there is no scope for interference with the impugned order. However, if any electric line is drawn through the road later or any new line comes nearer to the

beneficiary's house, it will be open to the petitioner to ask for shifting the line now being drawn in an application for shifting. The W.P. is closed directing the second respondent to give connection to 4th respondent, but after reserving right to the petitioner to apply for shifting if there is a change in the pattern of availability of electric lines later.

C.N.RAMACHANDRAN NAIR
Judge

pms